

REMARKS

This communication is in response to the office action mailed on May 5, 2010 rejecting claims 1-3, 7-14, and 16.

With this response, claims 1, 4, 10, and 16-17 have been amended and claims 21-22 are newly presented.

Claims 1-22 remain pending in the application.

Allowable Subject Matter

The Examiner indicated at page 4 of the office action mailed on May 5, 2010 that claims 4 and 17 and claims 5-6, 15, and 18-20 would be allowable if rewritten in independent form, which is noted with appreciation.

In particular, the Examiner noted that the art of record does not disclose or render obvious the combination of elements of a distal section of the catheter element having at least one protruding part and a proximal compartment of the cavity having a distal opening zone with an exclusion element adapted to exclude the distal section of the catheter element from entering the proximal compartment.

Claim Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-3, 9-14, and 16 were rejected under 35 U.S.C. § 102 as anticipated by Anderson, US2008/0045921 ("Anderson").

With this response, independent claim 1 has been amended to recite a portion of the allowable subject matter indicated at page 4 of the office action by requiring: a container having a first section adapted to accommodate at least a proximal section of said catheter element and a second section adapted to accommodate a distal section of said catheter element and a zone between the first section and the second section that is adapted to exclude entry of said distal section of said catheter element into said first section.

Thus, amended independent claim 1 is believed to recite patentable subject matter that is new and nonobvious over the cited references.

With this response, independent method claim 10 has been amended to recite a portion of the allowable subject matter indicated at page 4 of the office action by requiring: providing a

catheter assembly having a container assembly including a catheter element and a container having a first section adapted to accommodate a proximal section of said catheter element and a second section adapted to accommodate a distal section of said catheter element and a zone between the first section and the second section that is adapted to exclude entry of said distal section of said catheter element into said first section and a catheter handle having a sleeve section surrounding a portion of said container.

Thus, amended independent claim 10 is believed to recite patentable subject matter that is new and nonobvious over the cited references.

With this response, independent claim 16 has been amended to recite a portion of the allowable subject matter indicated at page for the office action by requiring: A catheter assembly comprising: a catheter element with a proximal end adapted for insertion into a urinary canal and an opposite distal end, and a container having a first section adapted to accommodate said proximal end of said catheter element and a second section adapted to accommodate said distal end of said catheter element and a zone between the first section and the second section that is adapted to exclude entry of a distal section of said catheter element into said first section.

Thus, amended independent claim 16 is believed to recite patentable subject matter that is new and nonobvious over the cited references.

Claims 2-3 and 9 further define patentably distinct amended independent claim 1, and claims 11-14 further define patentably distinct amended independent claim 10.

Thus, it is respectfully requested that the rejections to claims 1-3, 9-14, and 16 under 35 U.S.C. § 102 as anticipated by Anderson be withdrawn.

Claims 7-8 were rejected under 35 U.S.C. § 103 as unpatentable over Anderson in view of Pedersen, US patent number 6,355,004 ("Pedersen").

Pedersen is cited as disclosing a catheter assembly having a lubricating medium.

While applicant's representative does not acquiesce to the propriety of the combination of Anderson in view of Pedersen, it is noted that even if Anderson is modified according to the disclosure of Pedersen, the resulting device will fail to cure the deficiencies of Anderson (noted above) in establishing a *prima facie* case of obviousness. In particular, claim 7-8 further define

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amended independent claim 1, which is believed to be nonobvious over Anderson, alone or in combination with Pedersen.

Thus, it is respectfully requested that the rejections to claims 7-8 under 35 U.S.C. § 103 over Anderson in view of Pedersen be withdrawn.

New Claims

Claim 21 is presented to further define and claim additional patentably distinct subject matter relative to amended independent claim 16.

Claim 22 is an independent claim that is presented to recite a portion of the allowable subject matter indicated at page for the office action.

CONCLUSION

Applicant respectfully asserts that claims 1-22 recite patentable subject matter and are in condition for allowance.

The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

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/Nick Baumann/
Nick Baumann, Reg. No. 56,161
Patent Counsel
Coloplast Corp., Coloplast A/S
Customer No. 69289
Telephone: (612) 287-4178